

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Houston Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Wade III, Dr. Freddie

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

The Board of Trustees of the Houston Community  
College System

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

|                    |                           |
|--------------------|---------------------------|
| Name               | Wade III, Dr. Freddie     |
| Street Address     | PO Box 721914             |
| City and County    | Houston, Harris           |
| State and Zip Code | Texas 77272               |
| Telephone Number   | 713-320-3670              |
| E-mail Address     | freddie.wadeIII@gmail.com |

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

|                                    |   |
|------------------------------------|---|
| Name                               | Board of Trustees of the Houston Community College System |
| Job or Title ( <i>if known</i> )   | by serving its Chancellor, Dr. Cesar Maldonado            |
| Street Address                     | 3100 Main Street  |
| City and County                    | Houston, Harris   |
| State and Zip Code                 | Texas 77002   |
| Telephone Number                   |   |
| E-mail Address ( <i>if known</i> ) |   |

## Defendant No. 2

|                                    |  |
|------------------------------------|--|
| Name                               |  |
| Job or Title ( <i>if known</i> )   |  |
| Street Address                     |  |
| City and County                    |  |
| State and Zip Code                 |  |
| Telephone Number                   |  |
| E-mail Address ( <i>if known</i> ) |  |

## Defendant No. 3

|                                    |  |
|------------------------------------|--|
| Name                               |  |
| Job or Title ( <i>if known</i> )   |  |
| Street Address                     |  |
| City and County                    |  |
| State and Zip Code                 |  |
| Telephone Number                   |  |
| E-mail Address ( <i>if known</i> ) |  |

## Defendant No. 4

|                                  |  |
|----------------------------------|--|
| Name                             |  |
| Job or Title ( <i>if known</i> ) |  |
| Street Address                   |  |
| City and County                  |  |
| State and Zip Code               |  |

Telephone Number \_\_\_\_\_

E-mail Address *(if known)* \_\_\_\_\_**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name Houston Community College SystemStreet Address 3100 Main StreetCity and County Houston, HarrisState and Zip Code Texas 77002

Telephone Number \_\_\_\_\_

**II. Basis for Jurisdiction**This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Other federal law *(specify the federal law)*:

Retaliation, race discrimination, age discrimination, gender discrimination

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Reduction in status, including position and pay

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

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C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race Black
- ☒ color Black
- ☒ gender/sex Male
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☒ age *(year of birth)* 6-25-1955 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*
- 

E. The facts of my case are as follows. Attach additional pages if needed.

Plaintiff began employment with defendant in 1991. From 2001 to August 2015, he held the position of Director of Workforce Development Initiatives. In July 2015, Houston Community College reorganized and plaintiff was told his position was eliminated. Three new positions were created. The new positions were: Executive Director of Workforce, Dean of College Readiness, and Director of P-16. The plaintiff's position was eliminated. The person who was placed in the position most analogous to the plaintiff's was a white person who had worked for the plaintiff and was younger than the plaintiff. Each of the persons placed in these new positions are younger than the plaintiff. Two of the persons are white and one is Hispanic. The plaintiff was not allowed to interview for any of the three new positions.

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*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

February 12, 2016.

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- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 6/22/2017.

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The plaintiff requests promotion to a position at an equivalent level of his former position of Director of Workforce Development Initiatives, and, back pay from July 2015 at the appropriate rate of pay and front pay commensurate with equivalent positions in the Houston Community College System.

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff \_\_\_\_\_

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney /s/ Stephen E. Menn

Printed Name of Attorney Stephen E. Menn

Bar Number 13942200

Name of Law Firm Law Office of Stephen E. Menn

Street Address PO Box 572774

State and Zip Code Houston, Texas 77257-2774

Telephone Number 832-654-2948

E-mail Address stephen\_menn@sbcglobal.net



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Freddie Wade**  
**Po. Box 721914**  
**Houston, TX 77272**

From: **Houston District Office**  
**Mickey Leland Building**  
**1919 Smith Street, 7th Floor**  
**Houston, TX 77002**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**460-2016-01601**

**Raymond Bautista,**  
**Investigator**

**(713) 651-4910**

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*Rayford O. Irvin*

**Rayford O. Irvin,**  
**District Director**

**JUN 22 2017**

(Date Mailed)

Enclosures(s)

cc: **Sandra Garcia**  
**Assistant General Counsel**  
**HOUSTON COMMUNITY COLLEGE**  
**3100 Main Street**  
**Office of General Counsel**  
**Houston, TX 77002**

**Stephen Menn**  
**LAW OFFICES OF STEPHEN E. MENN**  
**3050 Post Oak Blvd. Ste. 1750**  
**P.O. Box 572774**  
**Houston, TX 77257**

**Paul A. Lamp**  
**ROGERS MORRIS & GROVER, LLP**  
**5718 Westheimer Rd. Ste. 1200**  
**Houston, TX 77057**



**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

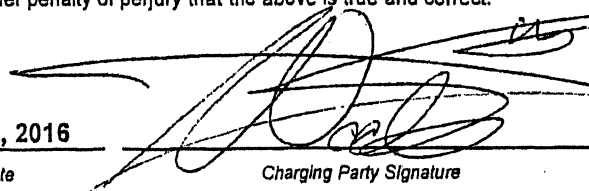
**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

Enclosures(s)

cc:

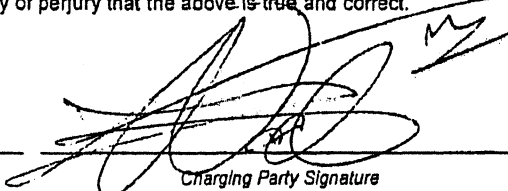
**Lowell Keig, Executive Director  
Texas Workforce Comm - Civil Rights Division  
101 East 15th St., Room 144T  
Austin, TX 78778-0001**

EEOC Form 5 (11/09)

|   |  |  |  |
|---|--|--|--|
| <b>CHARGE OF DISCRIMINATION</b><br><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>   |  | Charge Presented To: Agency(ies) Charge No(s):<br><div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="margin-top: 5px;"> <input type="checkbox"/> FEPA<br/> <input checked="" type="checkbox"/> EEOC         </div> <div style="margin-top: 5px;"> <b>460-2016-01601</b> </div> </div> |  |
| _____ and EEOC<br><small>State or local Agency, if any</small>  |  |  |  |
| Name (Indicate Mr., Ms., Mrs.)<br><b>Dr. Freddie Wade</b>   |  | Home Phone (Incl. Area Code)   | Date of Birth<br><b>06-25-1955</b>                     |
| Street Address City, State and ZIP Code<br><b>Po. Box 721914, Houston, TX 77272</b>   |  |  |  |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)  |  |  |  |
| Name<br><b>HOUSTON COMMUNITY COLLEGE</b>  |  | No. Employees, Members<br><b>500 or More</b>   | Phone No. (Include Area Code)<br><b>(713) 718-7596</b> |
| Street Address City, State and ZIP Code<br><b>3100 Main Street, Houston, TX 77002</b>   |  |  |  |
| Name  |  | No. Employees, Members   | Phone No. (Include Area Code)                          |
| Street Address City, State and ZIP Code   |  |  |  |
| DISCRIMINATION BASED ON (Check appropriate box(es).)<br><div style="display: flex; flex-wrap: wrap; margin-top: 5px;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>   |  | DATE(S) DISCRIMINATION TOOK PLACE<br><div style="display: flex; justify-content: space-between;"> <div>Earliest<br/><b>07-01-2015</b></div> <div>Latest<br/><b>08-10-2015</b></div> </div> <div style="text-align: center; margin-top: 5px;"> <input type="checkbox"/> CONTINUING ACTION         </div>                              |  |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):<br><p><b>I began my employment with Houston Community College (HCC) in 1993 and from 2001 until August 2015 I held the position of, Director of Workforce Development (Program) Initiatives, sometime in July 2015 HCC went through reorganization/transformation and I was advised that my position was being eliminated. I was provided the option to apply for one of the new positions created as a result of the restructuring, retirement, and/or apply for a faculty teaching position. I have since learned that three of the newly created positions mirror the duties of my former position. The three positions were as follows:</b></p> <ol style="list-style-type: none"> <li><b>1) Executive Director of Workforce, awarded to Dr. Joanne Kyle, White Female.</b></li> <li><b>2) Dean of College Readiness, awarded to Dr. Maria Strauss, Hispanic Female.</b></li> <li><b>3) Director of P-16, Scott Godly, White Male.</b></li> </ol> <p><b>Despite my qualifications, and years of experience, I was not interviewed for and/or awarded any of</b></p> |  |  |  |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.   |  | NOTARY – When necessary for State and Local Agency Requirements  |  |
| I declare under penalty of perjury that the above is true and correct.  |  | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.   |  |
| <div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> <b>Feb 12, 2016</b><br/> <small>Date</small> </div> <div style="text-align: center;"> <br/> <small>Charging Party Signature</small> </div> </div>  |  | SIGNATURE OF COMPLAINANT<br><br>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br><small>(month, day, year)</small>   |  |

EEOC Form 5 (11/09)

|  |   |
|--|---|
| <p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>  | <p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA<br/> <input checked="" type="checkbox"/> EEOC</p> <p align="right"><b>460-2016-01601</b></p> |
| <p align="center">_____ and EEOC<br/> <i>State or local Agency, if any</i></p>   |   |
| <p>the above positions. Further evidence of discrimination, is the fact that the position awarded to Dr. Kyle was not advertised and, therefore, I was not granted any opportunity to apply for that position.</p> <p>I previously complained of discriminatory practices and believe that I may have been targeted in Retaliation. I voiced my concerns of the discriminatory hiring practice to Mr. Dawn Washington, Director of Employment, and after verifying my application was submitted he responded, "Do what you gotta do." Mr. Godly was handpicked for the position even though, he previously reported to me.</p> <p>I believe I have been discriminated against because of my Race- Black, Age- 60, and subjected to Retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act of 1967, as amended.</p> |   |

|  |   |
|--|---|
| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>         | <p>NOTARY – When necessary for State and Local Agency Requirements</p>  |
| <p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center"> <br/>       _____<br/>       Date                      Charging Party Signature     </p> | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p align="center">SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br/>       (month, day, year)</p> |